



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 9, 2003**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-77 People v. Barker, S115438. (A093759; 107 Cal.App.4th 147; San Mateo County Superior Court; SC47136.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes the following issues: When a defendant is charged with the felony offense of “willfully” failing to register as a sex offender (Pen. Code, § 290), does the defendant’s unintentional forgetting of the obligation to register constitute a defense to the charge?

#03-78 People v. Britt, S115377. (C033771; 107 Cal.App.4th 8; El Dorado County Superior Court; WS98F205.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Can a registered sex offender be prosecuted in one county for failing to notify law enforcement agencies of his change of address when he moves from that county and also be prosecuted separately in the county of his new residence for failing to register there, or are two separate prosecutions barred under these circumstances by Penal Code section 654?

#03-79 Reeves v. Hanlon, S114811. (B151460; 106 Cal.App.4th 433; Los Angeles County Superior Court; GC023679.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case

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includes the following issue: May a third party be held liable to an employer for tortious interference with contractual relations, when the contractual relationship that allegedly has been interfered with is an at-will employment relationship between the employer and its employee or employees?

#03-80 Yanowitz v. L'Oreal USA, Inc., S115154. (A095474; 106 Cal.App.4th 1036; San Francisco County Superior Court; 304908.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issue: How should “adverse employment action” be defined for purposes of an employee’s claim of unlawful retaliation under the Fair Employment & Housing Act (Gov. Code, § 12900 et seq.)?

#03-81 Ensch v. Zou, S115274. (E029403; unpublished opinion; San Bernardino County Superior Court; SCV55818.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in Elsner v. Uveges, S113799 (#03-62), which includes the following issue: Are regulations promulgated under the California Occupational Safety and Health Act admissible to prove the standard of care and/or establish a presumption of negligence in a personal injury action by an employee against a party other than his or her own employee? (See Lab. Code, § 6304.5.)

#03-82 Parnell v. Adventist Health System/West, S114888. (F038004; 106 Cal.App.4th 580; Kern County Superior Court; 239123SPC.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending finality of Olszewski v. Scripps Health (June 2, 2003, S098409) \_\_ Cal.4th \_\_, which concerns (1) whether Welfare and Institutions Code section 14124.791, which permits a healthcare provider that has provided services to a Medi-Cal patient to impose a lien upon a judgment obtained by the patient from a third party tortfeasor, is preempted by federal law, and, if so, (2) whether such a patient can maintain an action against a healthcare provider for violation of the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) based upon the provider’s imposition of such a lien before the statute had been held invalid.

## DISPOSITIONS

The following cases were dismissed and remanded to the Court of Appeal:

#01-127 Wittkopf v. County of Los Angeles, S100231.

#01-157 Dupre v. Calendo, Puckett, S101268.

#02-20 Vaughan v. Jacobs & Jacobs, S103045

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